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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,908	08/31/2001	Juergen Reinold	IA00003	2098

22863 7590 07/16/2003

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 07/16/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/943,908

Applicant(s)

REINOLD ET AL.

Examiner

Prenell P Jones

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 & 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 3 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 3, Applicant is claiming "determining a fault in the active network based upon the receipt of the one representation" which is unclear to Examiner as to what Applicant is claiming.

Regarding claim 14, Applicant is claiming "***determining a failure*** to receive at least one of the plurality of data representations at the second device and determining a fault in the active network based upon the failure" which is unclear to Examiner as to what Applicant is claiming.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Razavi et al (WO 00/77620 A2) in view of Foglar.

Regarding claims 1, 4, 8-10, 12, 13, 15, 17 and 18, Razavi (WO 00/77620 A2) discloses (Abstract, Figs. 1 & 2) a computerized vehicle network that includes an integration of

components (first/second devices) which produces an in vehicle network, communicating packets via (page 5, line 5-30, page 7, line 1-35) active devices that are coupled together. Razavi (WO 00/77620 A2) is silent on replicating data packets and first/second paths. In analogous art, Foglar discloses (Abstract, col. 3, line 1 thru col. 4, line 67, col. 7, line 16-54) routing message cells/packets in a switching network via a plurality of active path pairs (first/second path) wherein the message cells are duplicated, (col. 3, line 1-67) and recognizing the paths between two switching elements. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to implement recognizing paths along with associated network devices/elements and communicating duplicated data packets via multiple paths while communicating information in a system as taught by Foglar with the teachings Razavi for the purpose of providing redundant communication associated with an active system, thereby also managing, minimizing delay and contention in a system.

Regarding claim 2, 5-7,11 and 16, as indicated above, Razavi (WO 00/77620 A2) discloses (Abstract, Figs. 1 & 2) a computerized vehicle network that includes an integration of components (first/second devices), which produces a vehicle network, communicating packets via (page 5, line 5-30, page 7, line 1-35) active devices that are coupled together. Razavi (WO 00/77620 A2) is silent on replicating data packets provided by interface. In Foglar discloses (Abstract, col. 3, line 1 thru col. 4, line 67, col. 7, line 16-54) routing message cells/packets in a switching network via a plurality of active path pairs (first/second path) wherein the message cells are duplicated, and he further discloses (col. 3, line 1-67, col. 7, line 16-54) messages duplicated in switching network via interface R1a, R1b and R1c, and recognizing the paths between two switching elements. Therefore, it would have been obvious to one of ordinary skill

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in the art at the time of the invention to have been motivated to implement duplicating packets at the switch interface as taught by Foglar with the transmission of data in a computerized system and further teachings of Razavi as to further minimize delay in communicating packets between devices in a system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 703-305-0630. The examiner can normally be reached on Monday thru Friday from 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Prenell Jones

July 11, 2003




CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

7/14/03